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**NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

Administrative Action

MICHAEL BAER, D.C.
License No. MC 1795

FINAL ORDER
OF DISCIPLINE

TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent, Michael Baer, D.C., is a chiropractic physician in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On or about June 17, 2003, Respondent pleaded guilty in the Superior Court of Essex County, New Jersey, to Indictment No. 1-12-28SGJ, alleging his violations of N.J.S.A. 2C:21-4.2 (Health Care Claims Fraud) and N.J.S.A. 2C:21-22.1 (Use of a runner) in his chiropractic practice. Respondent was sentenced to a term of three years incarceration on each of the two counts, to run concurrently. (Copy of the Judgment of Conviction and Order for Commitment annexed hereto and made a part hereof)

CONCLUSIONS OF LAW

1. The aforesaid plea and conviction provides grounds for the suspension of Respondent's license to practice chiropractic in New Jersey pursuant to N.J.S.A 45:1-21(f) in that the crimes of which Respondent was convicted are ones of moral turpitude and/or relate adversely to the practice of chiropractic.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice chiropractic in the State of New Jersey was entered on October 5, 2004 and a copy was forwarded to respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor. The respondent submitted a letter from Stephen D. Brown, Esq. dated November 22, 2004 and received on November 29, 2004, which did not dispute the aforesaid Findings of Fact or Conclusions of Law, but did offer additional information for Board consideration; to wit: that respondent had cooperated by providing truthful testimony at the trial of his co-defendant; that he was remorseful; and that he was experiencing extreme financial difficulties.

Respondent's submissions were reviewed by the Board on December 16, 2004, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised, as respondent did not dispute the Findings of Fact or Conclusions of Law. Nevertheless, the Board determined that in the interest of justice, the period of active suspension of respondent's license to practice chiropractic should commence from the date of his criminal

sentencing and subsequent incarceration, due to the fact that he was unable to practice chiropractic from that time forward.

Accordingly the Board having considered the matter and determined that further proceedings are not necessary, it has determined that the Provisional Order should be made final.

THEREFORE, IT IS on this 24 day of JANUARY, 2005,

ORDERED that:

1. Respondent's license to practice chiropractic in the State of New Jersey be and hereby is suspended for a period of five (5) years, except that the first two (2) years shall be an active suspension commencing on January 16, 2004, and the final three (3) years of said suspension shall be stayed and become a period of probation. Such stayed period of suspension shall be activated upon a showing of Respondent's non-compliance with any of the terms and conditions set forth herein.
2. Respondent shall not practice chiropractic during the period of active suspension, and shall successfully complete and pass the ProBE (Professional Problem Based Ethics) course offered by The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903, prior to resuming active practice in New Jersey. Documentation of the full and successful completion of the course shall be provided to the Board.
3. Respondent shall pay a civil penalty, pursuant to N.J.S.A. 45:1-22 and N.J.S.A. 45:1-25, in the amount of \$7,500.00 for engaging in acts constituting a crime involving moral turpitude and relating adversely to the practice of chiropractic, contrary to N.J.S.A. 45:1-21(f). Payment for the civil penalties shall be by certified check or money order made payable to the State of New Jersey, and shall be sent to: Kevin B. Earle, Executive Director, Board of Chiropractic Examiners

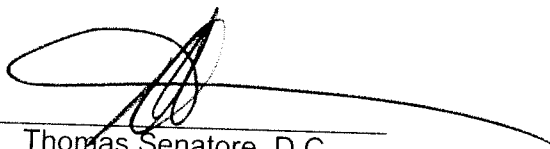
at 124 Halsey Street, Sixth Floor, P.O. Box 45004, Newark, New Jersey 07101 no later than ten (10) days from the finalization date of this Order. Subsequent violations will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

4. Prior to resuming active practice in New Jersey, Respondent shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice. Any practice in this State prior to formal reinstatement of license by the Board shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on Respondent's practice should his license be reinstated.

5. Failure to comply with any provisions of this Order or remit any and all payments required by this Order will also result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

6. The Directives of the Board applicable to any Chiropractic Board licensee who is suspended, revoked or whose surrender of licensure has been accepted are incorporated by reference as though fully set forth herein, whether or not they are attached hereto.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINER

By 
Thomas Senatore, D.C.
Board President

Dated: